

Webb county, all books, papers, documents and other property, belonging, or in any way appertaining to the city of Laredo, to the city council; read and passed to a third reading.

A bill to amend an act to establish the Judicial districts of the District courts; read first time.

Joint resolution providing more effectually for the protection of the frontier of Texas; read first time.

On motion of Mr. Phillips, the Senate adjourned.

SATURDAY, 9 o'clock, A. M. January 26th, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Barleson, Cooke, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The Journals of yesterday were read and adopted.

Mr. Grimes, chairman of the committee on Finance, made the following reports:

COMMITTEE ROOM, Jan. 26th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on Finance, to whom was referred a bill to be entitled an act for the relief of William McMaster, late sheriff of Brazoria county, have had the subject under consideration. The showing made to your committee is, that said McMaster collected taxes by virtue of his office, under the laws of the late Republic of Texas; and in making settlement with the Comptroller of Public Accounts, returned lands as having been sold for taxes and bid in for the State, for the want of bidders, when he had received the taxes in full on the same. Your committee are advised that suit is pending in the District court of his county to recover the amount of his defalcation.

Your committee cannot conceive that his is a case deserving the sympathy of the Legislature, and are of opinion that the precedent might prove prejudicial to the collection of the revenues of the State. They therefore, recommend that the relief contemplated by the bill, be refused.

The committee on Finance, to whom was referred a bill to be entitled an act to create the office of State Translator, have con-

sidered the bill, and are of opinion that the duties required of such an officer are not of sufficient importance to justify the creation of the office. The Translator and Recorder of Spanish Deeds, though employed in the General Land Office, is an officer receiving a salary from the State, and should perform any service required of him as Translator, where the State is concerned.

Your committee, therefore, recommend that no further action be had on the bill.

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, Jan. 26th, 1850.

Hon. JOHN A. GREER,

President of the Senate:

The Joint committee on Enrolled Bills, have examined the following bills and find them correctly enrolled:

The bill to authorize the County Court of Jasper county, to have levied and collected a special county tax, to be applied exclusively to the erection of a jail and courthouse, for said county.

The bill to be entitled an act for the relief of the heirs of James Ury, dec'd.

The joint resolution and memorial of the Legislature of the State of Texas, to the President and Congress of the U. States, relative to the vast and enormous depredations committed and being committed upon the citizens and property of those residing upon the borders and frontier of Texas, and asking an increase of the military establishment in Texas, for the due protection of the lives, persons and property of the citizens.

The joint resolution making an appropriation for the *per diem* pay of the members and officers of the present Legislature.

The joint resolution for the relief of J. F. Brown and Lyman Tarbox.

The bill to be entitled an act for the relief of Mason W. Cope.

The bill to be entitled an act for the relief Amos Morrell; and

The bill for the relief of B. C. Johnson, assignee of John F. Stacy.

Mr. Wallace, from the same committee, made the following report:

COMMITTEE ROOM, Jan. 26th, 1850.

Hon. JOHN A. GREER,

President of the Senate:

The bill to legalize the headright certificate of Simon P. Barnes,

The bill to be entitled an act requiring the election of County Treasurer by the people ; and

The bill to be entitled an act to amend the first section of an act entitled an act to create the county of Anderson, approved March 24th, 1846.

Having been signed by the Speaker of the House of Representatives, and President of the Senate, were this morning placed in the office of the Governor of the State.

Mr. Cooke, chairman of the committee on Claims and Accounts, made the following report :

COMMITTEE ROOM, Jan. 26th, 1850.

HON. JOHN A. GREER,

President of the Senate :

Your committee upon Claims and Accounts, to whom was referred a joint resolution for the relief of the estate of Lieutenant Lansing, dec'd, have had the same under consideration. It appears that the charge of defalcation alluded to in the joint resolution, appears to have grown out of a deficiency of revolvers, which it is presumed Lieut. Lansing was responsible for, by the rules and regulations of the Navy. From the statement of Com. Moore, it seems that the defalcation was reported to him, but how far the fact of reporting a defalcation exonerates a subordinate officer in the Navy, is not known at this period.

There is no evidence that Lieut. Lansing was a defaulter, or that he was censurable in any way for the deficiency of small arms, and the committee are of opinion that the charges are insufficient to brand the name of a gallant officer with the crime of defalcation ; and therefore, beg leave to return the joint resolution back to the Senate, and recommend its passage.

Mr. Cooke made the following report :

COMMITTEE ROOM, Jan. 26th, 1850.

HON. JOHN A. GREER,

President of the Senate :

The Select committee, to whom was referred the bill to be entitled an act to authorize and require the Commissioner of the General Land Office, to issue patents on all surveys made in Peters' Colony, having had the same under consideration, beg leave to report ; that in the opinion of your committee, there is no good reason why the bill should not pass, with some amendments.

The only plausible objection that can be urged to the passage of the bill, in their opinion is, the contract made and entered into between the President of the Republic of Texas, and Wm. S. Peters and his associates, is still in existence, having never been

declared void by the judiciary of the State. By reference to the said contract it will be seen, that all the vacant lands within the limits of said colony, reverted to, and became public domain at the expiration of the term of five years from and after the first day of July, 1843; and by reference to the joint resolution, (the only authority the President had for making the last contract,) it will be seen that the contract was made only four days after the passage of said resolution, and consequently before it took effect, and by a further reference to said resolution and the colonization laws, it will be seen that the contract aforesaid differs very considerably from them, and of course null and void so far, for the law only authorized the President to make a contract agreeably to its provisions.

The time allowed the contractors to fulfil their last contract, and to make the proof to the Commissioner of the General Land Office, and to obtain for themselves and the emigrants introduced by them, the lands they would have been entitled to, had they complied with the terms of their contract, expired on the first day of July, 1848; and consequently, according to the terms of said contract, made as aforesaid, without authority of law, all the vacant lands lying within the limits of said colony reverted to, and became public domain again on that day, and of course subject to the disposition of the State, and liable to be located and surveyed from and after that day, by virtue of any genuine land certificate, bounty warrant or other evidence of title to land.

If there were any law in force authorizing the making of this last contract, and should the contractors establish the fact of their full and complete compliance with all the terms and conditions of said contract, then they will be entitled to premium lands; but the colonization laws above referred to will compel them to select said lands from the vacant land within the limits of said colony.

The committee will here repeat that the reservation of the territory comprised within said colony limits, only continued to the first day of July, 1848, and no longer. The contractors then, have no preference in said colony over any holder of a genuine land certificate, bounty warrant, &c., from and after that day, nor can they hold the said territory in reservation for themselves to the exclusion of others. All the rights they had to obtain patents for lands in said colony, by virtue of their contract ended then, and from thence their only remedy, in the opinion of the committee, rest in the Judiciary of the State. Should they succeed in establishing the fact of their full and complete compliance with all of the terms and conditions of their contract, as afore-

said ; then, in the estimation of your committee, the contractors will be entitled to a certain portion of each settler's land, and to ten premium sections besides, for every hundred families introduced and settled by them in said colony ; but, still the premium lands will have to be selected by them as beforestated, from the vacant land, because the law says so.

It is well known to some of your committee, that the contractors have totally failed to comply with the conditions of their contract.

In consideration of the above facts, and for many others that might be adduced, were it necessary, your committee return the bill with the following amendments, and recommend the adoption of the amendments and the passage of the bill.

WILDS K. COOKE, *Chairman.*

Amendments.

1st. Insert in the caption, after the word "Peters," the word "Mercer's," and change the word "colony" in the caption, into the plural number.

2d. Insert in the thirteenth line, first section, after the words "associates," the words "Charles Fenton Mercer and his associates."

3d. Add after the last word of the bill, the following: "provided, that no survey that conflicted or interfered with an actual settler at the time it was made, shall be patented until the difficulty is settled between the parties, according to the existing laws upon that subject."

Mr. Robertson, chairman of the committee on State Affairs, to whom was referred a joint resolution granting the Hon. Fielding Jones, Judge of the 10th Judicial district, leave of absence from the State ; reported the same back to the Senate and recommended its passage.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill for the relief of the heirs at law of Joseph Thompson, dec'd.; reported the same back to the Senate and asked to be discharged from its further consideration.

Mr. Burleson, chairman of the committee on Military Affairs, to whom was referred a bill for the relief of the heirs of those who fell with Fannin, Ward, Travis, Grant and Johnson, during the war with Mexico in the year 1836 ; reported the same back to the Senate and recommended its passage.

Mr. Gage, chairman of the committee on County Boundaries, to whom was referred a bill to authorize Judges of the District

courts to hold special terms of the District courts; reported the same back to the Senate, and recommended its passage.

Mr. Gage made the following report:

COMMITTEE ROOM, Jan. 25th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The Special committee, to whom was referred a bill to establish the ninth Judicial district. The memorial of a portion of the citizens of the 4th Judicial district relative to the formation of new district.

A bill to be entitled an act to define the time of holding the District courts in the fifth Judicial district; also, the resolutions passed by the citizens of Rusk and adjoining counties at Henderson, Rusk county, asking the creating of a new Judicial district, to be composed of the counties of Rusk, Smith, Cherokee, Anderson, Houston, Angelina and Nacogdoches; having reported a bill for the formation of a new District, to be composed of the above named counties; and upon a bill for the creation of the twelfth Judicial district to be composed of a part of the counties composing the fourth Judicial district, all of which is returned to the Senate, the committee respectfully ask to be discharged from a further consideration of the subject matter above alluded to.

D. GAGE, *Chairman.*

Mr. Pease, from the Judiciary committee, made the following report:

COMMITTEE ROOM, Jan. 26th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on the Judiciary, to whom was referred a bill to be entitled an act to organize the county of Ellis, have considered the same, and recommend the following amendments:

In the 1st section, 6th line, strike out "third Monday of February," and insert "first Monday in August"

In the 6th section, 2d line, strike out "first" and insert "third."

In the 8th section, in the 2d and 3d lines, strike out the words "third Monday of February," and insert "first Monday in August."

In the 1st section, add to the end thereof, the following:

"And until the said county of Ellis is organized, under the provisions of this act, all the territory, which under this act would be subject to the jurisdiction of Ellis county, shall be considered as attached to, and forming a part of Navarro county.

With these amendments the committee recommend the passage of the bill.

Mr. Parker made the following report :

COMMITTEE ROOM, Jan. 26th, 1850.

HON. JOHN A. GREER,

President of the Senate :

The Select committee, to whom the bill providing for the removal of the Supreme court to Henderson, in Rusk county, was referred, in their deliberation upon that interesting and momentous subject, entertaining different opinions in regard to the policy of the measure contemplated, could not by any ordinary process of reasoning, arrive at a conclusion satisfactory to themselves and to all parts of the State.

A different result, however, could not have been anticipated from the members of the committee ; some of whom, have so long basked under the vertical rays of the Supreme court, that they would complain if its beams fell obliquely upon them, while others perverting the common sense oldest law of nature, requiring all bodies to seek light in the East, have groped their way westwardly after it, until exhausted and bewildered, they well nigh doubt the reality of its existence. If those be mistaken, should the court be regarded as worthy of preservation? Is its ultimate safety, its salvation, a subject of sincere anxiety to our brethren of the West? To doubt it, would be unpardonable. The court is located on the remote limits of christianabode, where it has been sustained by faith alone for ten years. It is time the probation should cease, and a suitable recompense be awarded, by transporting it to regions of life, the haven of safety, where assailants from the East will be driven back by the invincible Trinity, and those from the West be repelled by the outstretched arm of God, vulgarly called the Brazos de Dios. There it may rest quietly, and had it been planted there when the Lone Star first appeared above the political horizon, its existence would not be now questioned by those from the dark and gloomy East, who, for so many long and tedious years have followed it as an ignis fatuus, from the briny marshes on the Gulf of Mexico, in the South, almost to the enchanted rock of the North. From this point, at one time, it is said, a voice more attractive, milder far than Aeolus, endowed his favorite harp with saying to the East, "do not ask for *all* the court, but be content to *divide* and take *half*." Amazed to hear the beguiling tones of justice, so near the Indian's wigwag, the courtseekers respond, "tis well, let the bargain here be closed. Give us half. What say you now brethren? What say you? Speak at once like men and brethren, for longer we may not tarry, since the treasure we brought up, is exhausted, and we must hasten back to toil for more, lest the

Lipans and Tonks should roast your hands and herd your cattle far away, if treasure, the ranger's food after labor, does not brightly shine in the larder." The mild seductive voice continues.—"Aye, you speak truly, we must all depart to our respective homes at once, there is not time enough at present to divide, but when next we meet, two years hence, it may well be done."

Two years elapse: the subject is resumed; the winning voice is heard again, but this time from behind a constitutional rampart, exclaiming "talk no more of *half* the court; ask for *one-third*, there are *three-thirds* of it; one for the east, one for the middle, and one for the west! So it is plainly written in the third verse, of the fourth chapter of the book of the commandments, sometimes called the Constitution of the State. This is the law and we must not violate it, lest we be called to judgment for doing that which we are not commanded to do. But it is time now for you to return to those who sent you, therefore, the court cannot be divided at present. You are, however, in the hands of brethren, and when you come up at the end of two short years, this thing may be done." Sluggishly revolve the wheels of time, at last their circuit is accomplished, the east and the west embrace in the House, where rules of justice are manufactured; and in the morning of business, they from the courtless eastern land, renew their appeal in the north end, in the south end, and likewise, of the law factory, for part of the Supreme court, *any part* of it. This time the voice answers, "it is *unwise to divide it any way*, we prefer *giving all* to you; but only wait until we choose us a place and build thereon a *new house* for the use of the law makers who are to succeed us, and all will be right."

Joseph was in the hands of his brethren until they fraternized him into Egyptian bondage. The east has been tantalized from time to time, through every scene of the farce; the curtain is about to fall and leave her with her unsupplied wants, exposed the ribald jeering of every waggish looker on in Austin.

Is it thus, that one-half of the State affords relief to the other half! Thus, that sister answers the petition of sister!

Is it not just, that one-half of the people should enjoy as much of their government as the other half. This has been the subject of petition, of barter, of demand, for ten years. The subtlety of logic can no longer lead to error in this case; therefore, let not those to whom appeals for justice are made, reply that the east is divided on the question; this is a Sophist's argument, for though the west has ever been united, yet not once so in all the

time in favor of the petitions. No, the west has never been even divided against the east upon this subject.

When the veil is removed, and the fact disclosed, it appears that not only the whole west did not measure out justice to the east, upon any occasion, but that no available portion of the west has yet done it!

Can the west look upon this daguerotype picture without experiencing an additional pulsation? If yea, the picture will be true to life. Shall the east say this is the likeness of my sister west? Or will she say I know the likeness, but it is not that of a sister.

The scene is about to close, let not the curtain fall between the east and her hopes, as the after piece is yet to be played, and she cannot sustain herself without them.

Will the deliberate calculator disclose the result of such confusion as must ensue another disappointment to the east? Then will the patriotic Texian avert his eyes; then will the colonists, the early settlers see faction west of faction, struggle for superiority, where once the Lone Star was the pride of all. The brilliancy of that planet in her first morning was the wonder of the age; but a greater may be wrought by the same agents that supplied the revolutionary fire with fuel in 1835 and 1836; these may make the morning of her life the evening of her dissolution; they may drive her with cometic speed, through the political firmament, from the highest to the lowest point of glory.

No servile heart throbs in a Texian bosom. No artist so skillful as to forge a chain for Texian freemen—they justly appreciate equality and freedom, and disdain every secondary position. Not one of them will ever obtain superiority over another, or seriously essay a folly so pregnant with discord as that! Abundant vivacity characterize them; this has occasionally produced bickerings among them, but good sense has quelled them without an effort. Will an exception be presented now? Let the close of this Legislature declare. Upon the docket of the Supreme court stand two hundred and fifty causes, sent up from the country east of the Brazos; from that west of the Brazos, only one hundred and twenty five. The total population east of the Brazos river, is one hundred and nine thousand five hundred and seventy. The total population west of the Brazos is, forty-eight thousand, five hundred and eighty-eight. The total amount of Taxes assessed for the year 1849, on the east side of the Brazos is \$71,062.30. The total amount assessed for the same year, on the west side of the Brazos river is \$40,231.75. The amount assessed in the east over the amount assessed in the

west, is thirty-two thousand eight hundred and thirty dollars fifty-eight cents. Amount assessed in those counties lying on both sides of the Brazos river, ten thousand four hundred and seven dollars and ninety-nine cents.

Shall the conveniences of government be distributed among the citizens east and west of the Brazos in that proportion? The smaller division west of the Brazos asserts a right exorbitant in extent, and unfounded in reason and justice. This is done with so much gravity, and in such business-like style, that no one except a Texian can penetrate the veil, and discover the joke, lurking behind it. It has had the Supreme court from its first organization, and therefore, claims it with as much calmness, as if the people in the east were common white folks, and not Texians.

The west have enjoyed the fun while the east paid the laddler, but now the frolic is over. The dim lurid flash of the Lone Star sitting in tears, admonishes the west and the east to do justice to one another. Shall that Star which scorched to death the pride of the Mexican self-styled Napoleon of America, and lighted a new born nation to freedom and renown, be permitted to disappear in sorrow? Or, will the east and the west by a mutual pledge of justice and equality, entice it back to noonday brightness, and jointly strive to increase its splendor, and cause it ever to preside over their integrity.

If the east and west are sisters, let their actions proclaim it to the world; if they are twin sisters, let them love the more. If they are parts of the same body, they are naturally dependant on each other. Does their love manifest itself by reciprocal acts of justice? All who look on see it is not so. The east complains that she has not been fairly dealt by; that she has wanted a Supreme court, that she has wanted one for many years, but that the west would not let her have it, that the west would not give her a half nor a third of one.

The question is, will the west give her one now? Let the west say yes, and do yes, and the east will be satisfied; let her say no, and the east will not complain, but she *will* have a Supreme court.

The minority of the committee recommend the passage of the bill.

ISAAC PARKER, *Chairman*.

Mr. Van Derlip, from the committee on the Judiciary, to whom was referred the subject of the destruction of the records of the Surveyor's office of Rusk Land District; reported

A bill to provide for the relief of the sufferers by the destruction of the records and certificates of the Land Office in the district of Rusk; read first time.

Mr. Ward, from the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, Jan. 26th, 1850.

HON. JOHN A. GREER,

President of the Senate :

The committee on Enrolled Bills, presented the following bills to the Governor for his approval on the 25th inst., the same having been signed by the Speaker of the House and President of the Senate, viz :

A bill entitled an act for the relief of General Memucan Hunt.

A bill entitled an act for the relief of Richard B. Jarman.

A bill to be entitled an act to authorize the County Court of Harrison county, to have record book B. of bonds, deeds, mortgages and other instruments of writing now in the County Clerk's office of said county, transcribed.

A joint resolution relative to extending the civil jurisdiction of the State of Texas, over the south half, and criminal jurisdiction over the whole of Red River.

A bill entitled an act for the relief of Uzziell Baggett.

A bill entitled an act for the relief of Aramenta D. Allen, heir at law of Preston P. Allen, lately a soldier in the army of Texas.

A joint resolution for the relief of Joseph Branham.

A joint resolution for the relief Elizabeth Hart.

A bill entitled an act to extend and define the eastern boundary of Caldwell county.

A bill entitled an act to incorporate the Bexar manufacturing company.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed.

A bill to incorporate the Houston-Blank Road Company.

A bill for the relief of James Nelson.

An act to amend an act entitled an act to provide for ascertaining the debt of the late Republic of Texas.

Joint resolution, relative to making the Port of Aransas, a port of entry, and to erect a lighthouse on Mustang-island.

A bill for the relief of the heirs and legal representatives of John L. Dabney.

A bill concerning patents for land.

Mr. Robertson, chairman of the committee on State Affairs, to whom was referred a bill to amend the 4th section of an act for the regulation of Pilots, at the mouth of the Brazos river, approved March 18, 1848 ; reported the same back to the Senate, and recommended its passage.

Mr. Robertson, chairman of the committee on Private Land

Claims, to whom was referred a bill for the relief of the heirs of Tilman Baker, dec'd., reported the same back to the Senate, and recommended its passage.

Mr. Pease introduced a bill to regulate the proceedings in civil actions; read first time.

On motion of Mr. Van Derlip, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

Mr. Robertson introduced a bill to regulate the issuance of land certificates, by the Commissioner of the General Land Office; read first time.

On motion of Mr. Robertson, the rule was suspended, bill read second time and referred to the committee on Public Lands.

Mr. Portis, from the Judiciary committee, made the following report:

COMMITTEE ROOM, Jan. 26th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The Judiciary committee, to whom was referred a joint resolution for the removal of Indians beyond the limits of the State of Texas, have had the same under consideration, and have instructed me to report the same back to the Senate with an amendment to the 3d section of the preamble, and recommend the passage of the same.

The committee deem the discussion of the necessity of this policy superfluous. The full reports from the committee on Indian Affairs, and other standing committees of the Senate, relative to the Indian tribes upon our frontiers, renders a repetition wholly unnecessary. The Indians must be either removed by the Government of the United States, according to her settled policy, or they must be extinguished by us. The Republic of Texas attempted at various periods to restrain the migratory tribes of Indians roaming within the territory of the Republic by treaties, but these proved ineffectual and unavailing. No treaty has ever been entered into with them, which they have not disregarded and violated. The tribes of Indians infesting our borders, have no permanent residence within our limits. They are predatory bands from the great tribes settled by the United States west of the Mississippi river, in conjunction with the roving bands from the great prairies of the west. They belong to the United States, and she is responsible for their conduct.

Your committee beg leave to say that there seems to be on the part of the government of the U. States, a perverse and obstinate disposition to misunderstand our relations with the Indian tribes.

among us, and an equally arrogant assumption, that they understand our rights and interests better than ourselves. It seems never to have occurred to their sapient councillors, that there were subject matters of national relations which they did not understand, and about which they were not well informed no matter how apparent it might appear to the balance of the world. We demand, as we have a right, that the Indian tribes on our borders, and among whom the government of the United States have their agents, and who are and have been for a long period at open war with us, shall be removed from our limits, and restrained from their incursions upon us. The government of the United States stands pledged to protect her own citizens from the Indians and the long line of Mexican border upon our frontier, and the committee deem the recommendation of the joint resolution, as a policy dictated alike by necessity and experience. All of which, is respectfully reported.

DAVID Y. PORTIS,

one of the committee.

Mr. Burleson, chairman of the committee on Military Affairs, to whom was referred joint resolution providing for the most efficient and certain protection of the exposed borders and frontiers of Texas, against the continued hostility and depredations of the Indians, together with several Executive communications, relating to late Indian massacres and robberies; reported the same back, with the following amendment, and recommended its adoption and passage:

Amend by striking out of the 2d section, all after the word "demand" in the eleventh line, and insert "instruct our Indian Agent at Washington, and instruct our Senators and request our Representatives to cooperate with said agent."

Mr. Cooke, chairman of the committee on Claims and Accounts, made the following report:

COMMITTEE ROOM, Jan. 26, 1850.

HON. JOHN A. GREER,

President of the Senate.

The committee on Claims and Accounts, to whom was referred the memorial of John A. King, a citizen of West Feliciana, in the State of Louisiana, protesting against the action of the Auditor and Comptroller, in the scaling of a debt due him by the late Republic, under the act of 20th March, 1848, have had the same under consideration, and beg leave to report:

That the memorialist, it appears, held claims against the late Republic, to the amount of \$12,300, and in compliance with an act to provide for ascertaining the debt of the late Republic of

Texas," presented the same to the Auditor and Comptroller, and received from them a certificate, showing the par value thereof as required by the 4th section of the above recited act, upon the receipt of which certificate, Mr. King wrote a long communication to the Auditor and Comptroller, protesting, in the most earnest manner, against their action in the matter, and against the certificate of depreciation, as he terms it being taken and considered as an equitable ascertainment of the value of his claim, or his holding it being considered a waiver of the lien held by him on the honor and good faith of the late Republic. The memorialist appends the above mentioned correspondence, and appeals to the Legislature for redress, declaring his belief that "no financial artifice, or clap-trap policy to deprive him of his just rights," will ever be countenanced by said body. Mr. King says a great many things, and a great many things he leaves unsaid. He does not say in plain words that he thinks we are dishonest and will not pay our debts, but intimates pretty clearly that he has doubts upon the subject; he will not, for one moment believe or insinuate, he says, that it is intended to make him the "scape goat," to settle a principle of assumed and arbitrary depreciation, &c., which has no application in honor, equity or law. His remarks are about upon a par with him who would go into a crowd and publicly say to one of the number, sir, you have taken from me articles of value, contrary to my wishes, if you keep them, you are a thief, but I will not suppose for a moment that you intend doing so—thus slandering, threatening and persuading at the same time. He frets and scolds like a cross old lady; not seeming to recollect for a moment, the difficulties, the embarrassments, the fiery trials through which Texas has passed within the last thirteen years. He does not seem to recollect that she has successfully gone through a revolution, unparalleled in the history of the world, when her numbers and resources, compared with those of her enemy, are considered.

Texas intends to pay her debts. If this cannot be done in the time and manner most desirable to herself and her creditors, it will be done as equitably in every sense of the word, as may be possible, under the circumstances.

The committee do not believe that the Auditor and Comptroller felt or exercised too much power, nor did they forget the petitioner's rights, but acted in strict compliance with the 4th section of the above recited act. They have treated all the creditors alike, and only reduced his claim as they did all others, to the actual par value realized by the late Republic, thereby pre-

serving the rights of the State, and doing the memorialists no injustice.

There is a bill now before the Legislature, proposing to liquidate the public debt with our public domain, which will allow Mr. King an opportunity of presenting his certificate and receiving the amount of his claim in land. The committee, therefore, return the memorial to the Senate, and beg leave to be discharged from the further consideration of the same.

WILDS K. COOKE, *Chairman.*

Mr. Portis introduced a joint resolution relating to the mails in Texas; read first time.

ORDERS OF THE DAY.

On motion of Mr. Gage, joint resolution making provisions for surveying a certain quantity of University land, was taken from the table; read third time and passed.

A bill to incorporate the Galveston and Brazos Navigation Company; read third time and passed, by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip and Walker—19.

Nays: None.

Joint resolution authorizing the Governor to subscribe for 250 copies of the 2d and 3d volumes of the Decisions of the Supreme court of this State; read third time.

Mr. Latimer moved to amend by striking out "50." Lost.

Mr. Wallace moved to amend by striking out "200 and." Lost.

Mr. Wallace moved to refer the bill to a Select committee; upon which the yeas and nays were as follows:

Yeas: Messrs. Grimes, Hart, Latimer, McRae, Moffett, Parker, Truit, Ward, Walker and Wallace—10.

Nays: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Kinney, Pease, Phillips, Portis, Robertson, Taylor and Van Derlip—12.

Motion to refer lost.

The joint resolution was then passed by the following vote:

Yeas: Messrs. Burleson, Davis, Gage, Hart, Kinney, Latimer, Pease, Phillips, Portis, Robertson, Taylor, Van Derlip, Ward and Walker—14.

Nays: Messrs. Brashear, Cooke, Grimes, McRae, Moffett, Parker, Truit and Wallace—8.

Mr. Portis offered the following resolution :

" *Resolved*, That the sum of \$28 be appropriated out of the appropriation for the contingent expenses of the Legislature, to M. B. Irwin, for the hire of a porter, from the 5th day of November to the 3d day of December, 1849.

The following bills and joint resolutions were severally read a third time and passed, viz :

A bill to create the twelfth Judicial district.

A bill to remove from the possession of the County Clerk of Webb county, all books, papers, documents and other property belonging, or in any way appertaining to the city of Laredo, to the city council.

A bill for the relief of Francis L. Merriwether and Peter P. Harding.

A bill to extend the jurisdiction of Medina county, for certain purposes.

Joint resolution for the relief of Charles Morgan and Robert Rose.

Joint resolution for the relief of Zebulon M. Porter ; and

Joint resolution for the relief of Samuel C. Douglass.

A bill supplementary to an act to apportion the Senators and Representatives of the Legislature, among the several counties of this State, according to the requirements of the Constitution, approved Jan., 1851, together with the report of the committee on Privileges and Elections, offering a substitute therefor ; was read ; substitute adopted, and ordered to be engrossed.

A bill for the relief of Thomas Garner, assignee of Hiram H. Milhous ; read and passed to a third reading.

A bill to legalize certain headright certificates, issued by the County court of Refugio county, together with the report of the committee on the Judiciary, offering a substitute therefor ; was read, substitute adopted and ordered to be engrossed.

A bill for the relief of William C. Sparks, assignee of James W. Willis ; read and passed to a third reading.

A bill to repeal an act authorizing the appointment of a Fiscal Agent, &c., together with the report of the committee on Finance, recommending that it be laid upon the table ; was read.

On motion of Mr. Gage, the report was laid upon the table, and bill taken up.

Mr. Ward moved to lay the bill upon the table.

Upon which, the yeas and nays were as follows :

Yeas: Messrs. Brashear, Davis, Grimes, Kinney, Moffett, Pease, Phillips, Van Derlip and Ward—9.

Nays : Messrs. Burleson, Gage, Hart, Latimer, Parker, Portis, Robertson, Taylor, Truit, Walker, and Wallace—11. Last.
The bill was then passed to a third reading, by the following vote :

Yeas : Messrs. Brashear, Davis, Gage, Hart, Latimer, Moffett, Parker, Phillips, Portis, Robertson, Truit, Walker and Wallace—13.

Nays : Messrs. Burleson, Grimes, Kinney, Pease, Taylor, Van Derlip and Ward—7.

Mr. Cooke, chairman of the committee on Claims and Accounts, made the following report :

COMMITTEE ROOM, Jan. 26th, 1850.

HON. JOHN A. GREER,

President of the Senate :

Your committee on Claims and Accounts, have under consideration the petition of G. M. Norton and G. W. and P. E. Norton, and have instructed me to report, that they believe the Legislature has already taken proper action on the subject of the matter of the petition, affording all holders of government credits an opportunity of presenting their claims for adjustment. The Auditor and Comptroller are required by law to submit their report to the Legislature for revision. If any injustice has been done to any party, it must and will be corrected in connection with this report, comparing the report with the evidences of original indebtedness. If we assume to act on individual cases, presented as the present one is, without any statement of evidence as to the origin of the claim, we must not only act without any data by which to be governed, but involve ourselves by the precedent, to an extent that would require our session to be continued from year to year, to the entire neglect of all general legislation. Your committee, therefore, recommend that the petition be laid upon the table.

The President announced the following communication :

City of Austin, Jan. 25th, 1850.

To the Hon. the President of the Senate :

The undersigned, a committee appointed upon the part of the Metropolitan Division of the Sons of Temperance, to invite the Honorable Senate to unite with said Division in a public procession on Tuesday morning next, respectfully beg leave now to discharge that duty, through you Mr. President, and to ask the honor of an acceptance of the invitation.

We have the honor to be, with high respect,

CHAS. L. MANN,

WM. SIMPSON,

D. J. MILLER,

J. C. RAYMOND,

Mr. Robertson moved that the Senate accept the invitation, on which the yeas and nays were called, and were as follows:
Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, Moffett, Parker, Portis, Robertson, Taylor, Truit, Walker and Wallace—15.

Nays: Messrs. Pease, Phillips, Van Derlip and Ward—4.
Carried.

Mr. Ward, from the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined a bill entitled an act to establish and incorporate a literary institution, under the supervision and control of the Eastern Texas Annual Conference, located at or near the town of Henderson, Rusk county, in this State, and find the same correctly enrolled.

On motion of Mr. Latimer, the Senate adjourned.

MONDAY, 9 o'clock, A. M. January 28th, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Ward, Walker and Wallace.

The Journals of Saturday were read and adopted.

Mr. Gage, chairman of the committee on County Boundaries, to whom was referred a bill supplementary to an act to amend an act supplementary to an act to create and organize the county of Paha; reported the same back to the Senate with an amendment, and recommend its adoption and the passage of the bill.

Amendment. Strike out the 2d section.

Mr. Robertson, chairman of the Select committee, to which was referred a bill to authorize the Governor to appoint a General Staff, and to organize the militia of this State, reported the same back to the Senate, with an amendment, and recommended its adoption, and the passage of the bill.

Amendment, additional, to be section 5.

"Sec. 5. That actual service shall apply to officers and soldiers, who are actually in the field, engaged in defending the country from invasion, insurrection and Indian depredation, and no pay shall be allowed under any other circumstances."

Mr. Robertson from the same committee, also, made the following report:

The Select committee to whom was referred a bill to repeal